

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include 6 sheets of formal drawings, figures 1-11 and a new sheet of drawings, Figure 12.

Attachments: Replacement Drawings (Figures 1-11).
 New Drawing (Figure 12)

REMARKS

Claim 1, 3, 4, 6, 7 and 10-25 are pending in the present application. Claims 1, 22, and 25 are independent.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claims 9-18 recite allowable subject matter and would be allowed if rewritten into independent form including all of the features of the base claim and any intervening claims. Applicants have accepted the Examiner's determination of allowability by amending claim 1 to incorporate the allowable features of claim 9 and intervening claim 8. Likewise, independent claims 22 and 25 have been amended to add features corresponding to those in allowed claims 8 and 9. Some minor changes were made such that the text of the independent claims 1, 22, and 25 flows well and is readily understandable. Applicants readily believe that the substance of the allowable features indicated by the Examiner has indeed been added to each of the independent claims. Thus, this application is clearly in condition for allowance and Applicants earnestly solicit a formal indication therefore in the form of a Notice of Allowance.

Drawing Objection

The drawings are objected to under 37 CFR 1.83(a) as not explicitly showing every feature of the invention to which the claims are directed. Specifically, the constant pole feature of claims 9-10 is the objected-to feature. This objection, insofar as it pertains to the presently pending specification and drawings, is respectfully traversed.

Initially, Applicants note that the control unit 90 illustrated in Figure 9 as well as the main control loop 114 illustrated in Figure 10 are drawing features that implicitly include the constant pole feature of claims 9-10. Nevertheless, to satisfy the Examiner and to quickly place this application in condition for allowance, Applicants have concurrently filed herewith new Figure 12 which even more explicitly shows the constant pole feature. Applicants assert that no new matter has been entered by the addition of this drawing as well as referencing text that is being added to the specification. For example, the specification provides full enabling and written description support for the control module including the constant pole feature beginning on, for example, page 19 and continuing through the bottom of page 28. Figure 12 is nothing

more than a drawing illustration of the specific example of the constant pole feature which is disclosed in the paragraph bridging pages 23 and 24 of the specification where $\beta_1=0$ and $\beta_2=0.9$. Thus, no new matter has been added by the addition of new Figure 12.

In view of the above arguments and new Figure 12, Applicants respectfully request reconsideration and withdrawal of the drawing objection.

36 U.S.C. § 112, Second Paragraph Rejection

Claim 24 is rejected under 36 U.S.C. § 112, Second Paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as their invention. This rejection is respectfully traversed.

While Applicants appreciate the Examiner's correct statement that claim 24 should be dependent on claim 23, such an improper claim dependency does not rise to the level of being properly objected-to under § 112, Second Paragraph. Indeed, the Examiner readily understood the intent of claim 24. Thus, at best claim 24 is properly objected-to and not properly rejected under § 112, Second Paragraph.

Nevertheless, Applicant has utilized the Examiner's helpful suggestion by amending claim 24 so as to be dependent upon claim 23. Therefore, in view of all of the above, taken alone or in combination, Applicant respectfully requests reconsideration and withdrawal of the § 112, Second Paragraph rejection.

Prior Art Rejections

Claim 1-8 and 22-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tatsuta (USP 5,943,448). Claims 19 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsuta. Lastly, claim 24 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Jared (USP 6,208,771). These rejections, insofar as they pertain to the presently pending claims, are respectfully traversed.

As noted above, each of the independent claims has been amended to include subject matter clearly allowed by the Examiner in the previous Office Action. Therefore, all of these prior rejections have been rendered moot and Applicants therefore request reconsideration and withdrawal thereof.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Michael R. Cammarata Reg. No. 39,491 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: December 8, 2006

Respectfully submitted,

By 

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Attachments